

11/09

RESOLUTION NUMBER R- 306292

DATE OF FINAL PASSAGE NOV 09 2010

RESOLUTION ADOPTING A CONFLICT OF INTEREST
CODE FOR THE CONSOLIDATED PLAN ADVISORY
BOARD

WHEREAS, San Diego Municipal Code (Municipal Code) sections 26.2101 through 26.2113, added June 24, 2010 by O-19963 N.S., established a Consolidated Plan Advisory Board (CPAB) to advise the Mayor, City Council, and City Manager on policy issues related to certain federal entitlement grant programs; and

WHEREAS, the CPAB will evaluate applications for the allocation of federal Community Development Block Grant program funds and Emergency Shelter Grant program funds, and recommend processes, policies and procedures for the fair distribution of those funds to non-profit and other eligible organizations; and

WHEREAS, among its other duties, the CPAB will provide advice and recommendations to City officials about the Consolidated Plan regarding federal entitlement grant programs that the City submits to the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the qualifications for membership on the nine-member CPAB are stated in Municipal Code section 26.2104, and require that the CPAB include persons who represent specific areas of interest and expertise, and a diversity of backgrounds; and

WHEREAS, Municipal Code section 26.2108 provides that a conflict of interest code shall be adopted for members of the Board, subject to City Council approval, and that all Board members shall be required to complete and file statements of economic interests in accordance with the code, and shall comply with all applicable ethics laws; and

WHEREAS, California Government Code sections 87300 and 87302 require local agencies to adopt conflict of interest codes designating positions that involve the making or participation in making of decisions which may foreseeably have a material effect on financial interests, and for each position, the financial interests which are reportable; and

WHEREAS, the Office of the City Attorney has proposed a conflict-of-interest code to meet the requirements of both the California Political Reform Act and Municipal Code section 26.2108, taking into account the specific duties of the CPAB; and

WHEREAS, the City Attorney recommends that a conflict of interest code be adopted, subject to City Council approval, requiring members of the CPAB to file Statements of Economic Interests; and

WHEREAS, the City Council concurs that a Conflict of Interest Code be adopted for the CPAB in order to comply with the Political Reform Act and the Municipal Code; and

WHEREAS, as the City's code-reviewing body, the City Council finds it in the public interest to adopt the standard conflict of interest code promulgated by the California Fair Political Practices Commission (FPPC) in Regulation 18730, and hereby declares its intention to incorporate by reference the terms of FPPC Regulation 18730 and any amendments to that regulation duly adopted by the FPPC as part of each conflict of interest code for which the City Council has responsibility; and

WHEREAS, Government Code section 87303 provides that when a proposed conflict of interest code or amendment is approved by the code-reviewing body, it shall be deemed adopted, and, accordingly, this resolution is not subject to veto by the Mayor; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Conflict of Interest Code for the Consolidated Plan Advisory Board is hereby adopted, consisting of standard language embodied in title 2, section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories.

BE IT FURTHER RESOLVED, that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Consolidated Plan Advisory Board as adopted be placed on file in the Office of the City Clerk as Document No. RR- 306292.

BE IT FURTHER RESOLVED, that the persons whose positions are designated in the Conflict of Interest Code for the Consolidated Plan Advisory Board shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements.

BE IT FURTHER RESOLVED, that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction.

BE IT FURTHER RESOLVED, that the Conflict of Interest Code for the Consolidated
Plan Advisory Board becomes effective upon the date of adoption of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Sharon B. Spivak
Sharon B. Spivak
Deputy City Attorney

SBS:als
10/04/10
Or.Dept:City Attorney
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**CONSOLIDATED PLAN ADVISORY BOARD
CONFLICT OF INTEREST CODE**

**APPENDIX A
DESIGNATED POSITIONS, DUTIES AND CATEGORIES**

<u>POSITIONS</u>	<u>DUTIES</u>	<u>CATEGORY</u>
Member, Consolidated Plan Advisory Board	<p>Provide advice and recommendations to the Mayor, City Council and City Manager on policy issues related to certain federal entitlement grant programs, including the Community Development Block Grant Program, the Emergency Shelter Grant Program, the HOME Partnership Program and the HOPWA (Housing Opportunities for Persons with AIDS) Program.</p> <p>Recommend processes, policies and procedures for the fair distribution of Community Development Block Grant and Emergency Shelter Grant program funds to non-profit and other eligible organizations.</p> <p>Evaluate applications for the allocation of federal Community Development Block Grant and Emergency Shelter Grant program funds and provide funding recommendations to the City Council.</p> <p>Provide advice and recommendations about goals for the Consolidated Plan and the Annual Action Plan regarding federal entitlement grant programs that the City submits to the U.S. Department of Housing and Urban Development, as well as any action necessary to meet or reprioritize such goals or to amend such plans.</p> <p>Recommend policies and procedures to ensure the greatest possible public participation in the creation of each Consolidated Plan and Annual Action Plan.</p>	1

DOCUMENT NO. PR-306292

FILED NOV 09 2010

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

**CONSOLIDATED PLAN ADVISORY BOARD
CONFLICT OF INTEREST CODE**

**APPENDIX B
DISCLOSURE CATEGORIES**

Category 1

Investments and business positions in any business entity located in or doing business with the City of San Diego.

Income and gifts from sources located in or doing business with the City of San Diego.

Interests in real property located in the City of San Diego, including property located within a two-mile radius of any property owned or used by the City.